

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, P.A.,

07-CV-10502 (LBS)

Plaintiff,

-against-

NATIONWIDE MUTUAL INSURANCE  
COMPANY, INC.,

Defendant.  
-----X

NOTICE OF NATIONWIDE MUTUAL INSURANCE COMPANY'S  
MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that upon the Declaration of Lorin A. Donnelly, Esq., dated January 25, 2008, the exhibits annexed thereto and the accompanying Memorandum of Law, Defendant NATIONWIDE MUTUAL INSURANCE COMPANY i/s/h/a NATIONWIDE MUTUAL INSURANCE COMPANY, INC. will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6) on the 7<sup>th</sup> day of February, 2008, before Judge Leonard B. Sand at the United States District Court for the Southern District, 500 Pearl Street, New York, NY, for an Order dismissing the Complaint. The grounds for this motion are more fully set forth in the accompanying Memorandum of Law.

Dated: Woodbury, New York  
January 25, 2008

Respectfully submitted,

MILBER MAKRIS PLOUSADIS  
& SEIDEN, LLP

By:   
LORIN A. DONNELLY [0791]

Attorneys for Defendant  
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